

Special Civil Application No 205 of 96

Date of decision: 01/02/96

For Approval and Signature:

Hon'ble MR.JUSTICE R.BALIA.

1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

PATEL CHETANKUMAR PRABALADBHAI

VS

PRINCIPAL

Appearance:

MR AN PATEL, Advocate for Petitioner

MR KM MEHTA, A.G.P. for Respondents

Coram : MR.JUSTICE R.BALIA.

ORAL JUDGEMENT:

1. Rule. Mr. Kamal M. Mehta, learned A.G.P. waives service of rule.
2. The petitioner passed SSC examination by obtaining 521 marks out of 700 in March, 1992. Desirous of obtaining admission to Primary Teacher's Certificate for 1994, petitioner applied to respondent No.1. On 11.1.1995, petitioner was admitted. Petitioner along with his application submitted original marksheet as well as a copy of it. Thereafter petitioner appeared at first year examination in October, 1995. However before the result of Primary Teacher's Certificate taken by the petitioner could be declared, his admission was cancelled. The petitioner challenges the cancellation of his admission.

3. In pursuance to notice, respondents have put in appearance and has stated that the petitioner's admission to Primary Teacher's Certificate was given under mistake inasmuch as admission was accorded strictly in accordance with merit and the cut off marks at which admission was closed was 527 of 700 equivalent to 75.28% whereas in fact the petitioner had obtained only 74.21% marks by obtaining 521 of 700, therefore, by cancelling the admission the respondents have only tried to correct the mistake committed by them. Learned counsel for the respondents also produced a photocopy of the copy of marksheet furnished by the petitioner stating that there could be genuine mistake of reading 527 for 521 in the copy supplied by the petitioner. However, it is not disputed that the original marksheet was furnished by the petitioner and was with the respondent. Therefore, this being merely a case of correcting mistake and that too after informing the petitioner